

AN ORDINANCE TO REPEAL ARTICLE II SECTION 2: TERMS DEFINED SUBSECTION 45
SUBDIVISION OF LAND AND SUBDIVIDE SUBSECTION (b) PARCELIZATION-PROCEDURE
AND APPROVAL AND ADD ARTICLE III E: PROCEDURES FOR PARCELIZATIONS OF THE
SUBDIVISION CONTROL ORDINANCE FOR WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY,
INDIANA, as follows to wit:

Section 1. That Article II Section 2: Terms Defined Subsection 45 (b) Subdivision of Land and
Subdivide, be and the same hereby amended by the repealing of section Parcelization- PARCELIZATION
PROCEDURE AND APPROVAL which reads as follows:

PARCELIZATION PROCEDURE AND APPROVAL:

1. Meet with the Plat Review Committee with a conceptual plan to determine whether the conceptual plan would meet the parcelization requirements.
2. If the requirements have been met, a plat of survey would be required to create a metes and bounds description of the parcel(s) which would be recorded in the Office of the Warrick County Recorder.
3. File a copy of a completed APC Parcelization Checklist and the proposed plat of survey. Staff will assign addresses for the parcel(s).
4. If the parcelization is approved, the applicant must record the deeds when property is transferred in the Office of the County Recorder. A copy must be submitted to the APC office.
5. Any final decision by the Plat Review Committee is appealable to the full Area Plan Commission Board.

Section 2: That Article III: Procedures for Submission of Plats be amended by adding Article III E: Procedures for Submission of Parcelizations as follows:

SECTION 1: PARCELIZATION PROCEDURE AND APPROVAL:

1. Meet with the Plat Review Committee with a conceptual plan to determine whether the conceptual plan would meet the parcelization requirements.
2. If the requirements have been met, a licensed land surveyor must create metes and bounds description(s) of the parcel(s) along with a proposed survey drawing of the parcelization plat.
3. File a copy of a completed APC Parcelization Checklist and the proposed plat of survey along with any required fees. Staff will assign addresses for the parcel(s).
4. Three different circumstances exist for public notice and opportunity to comment on the "parcelization" application:

- (a) If the subdivider has obtained the signatures of all abutting property owners stating their approval (or no objection to Area Plan Commission approval) and such accompanies the “parcelization” plat at the time of application for approval by the Area Plan Commission, no further public notice nor a public hearing are necessary, and the Executive Director of the Warrick County Area Plan Commission may certify (approve) the “parcelization” plat for recording.
- (b) If the subdivider has not obtained the signatures of all abutting property owners stating their approval at the time of the application to the Area Plan Commission for approval of the plat, the applicant shall give notice of the right to voice objections to the Subdivision Review Committee and then the right to appeal to the full Area Plan Commission to all abutting property owners of record. Within seven (7) days of filing of the application, the notice shall be sent by the applicant to abutting property owners of record by certified mail with return receipts using a prescribed form furnished by the Area Planning Commission. The notice of the right to voice objections to the Subdivision Review Committee and then the right to appeal to the full Area Plan Commission shall inform the abutting property owner that he or she has ten (10) days from the post marked date of the mailing of the notice to submit a written objection (the address of the Area Plan Commission being included in the notice) to the Area Plan Commission for an audience before the Subdivision Review Committee. Only abutting property owners of record shall make such an objection, and the objection shall be heard before the Subdivision Review Committee before the objector may appeal to the full Area Plan Commission. An affidavit which lists the abutting property owners and attests that notice has been duly given to said property owners must be filed with the Area Plan Commission along with all return receipts within ten (10) days of the filing of the application. Two possible actions may occur:
 - (i) If the affidavit is in order and no oral nor written objection has been received by the Area Plan Commission on or before the close of the ten (10) days of notification of the abutting property owners, the Executive Director of the Warrick County Area Plan Commission may certify (approve) the “parcelization” plat for recording.
 - (ii) If on the other hand, an oral or written objection is received by the Area Plan Commission on or before the close of the tenth (10) day subsequent to the notification of the abutting property owners, the Executive Director of the Warrick County Area Plan Commission shall announce, within fourteen (14) days of receipt of the application, the date that the objection will be reviewed by the Subdivision Review Committee by giving written notification to the applicant and the objector.

Following the review before the Subdivision Review Committee, the Executive Director of the Area Plan Commission may approve, disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the “parcelization” application, or request the full Area Plan Commission to review the matter. If the application is to be approved, the Executive Director shall inform all objectors by certified mail of their right to appeal to the full Area Plan Commission by oral or written request within ten (10) days. Only those abutting property owners who have raised an original objection and requesting a review by Subdivision Review Committee can appeal to the

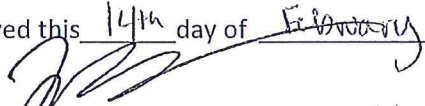
full Area Plan Commission. If no oral or written appeal is received within ten (10) days, the Executive Director of the Area Plan Commission shall certify (approve) the "parcelization" plat for recording.

- (c) After the Subdivision Review Committee has met and the Executive Director has made a finding to deny the parcelization, the applicant may appeal to the full Area Plan Commission. After the Subdivision Review Committee has met and the Executive Director has informed all objectors of the intent to approve the parcelization an original objector who is also an abutting property owner may appeal orally or in writing to the full Area Plan Commission within ten (10) days of receiving notice of the intent to approve the subdivision. Finally, the Executive Director may request an appeal before the full Area Planning Commission. Under any of these three circumstances, the Area Planning Commission will hold a Public Hearing at the next scheduled Area Planning Commission and the Executive Director shall give written notice to the applicant and any objectors of the date of the Public Hearing.

5. If the parcelization is approved, the applicant must record the deeds when the property is transferred in the Office of the County Recorder and a copy is to be submitted to the APC office.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners for Warrick County, State of Indiana.

Approved this 14th day of February, 2022.

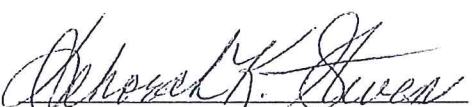

Dan Saylor,


Terry Phillippe


Robert Johnson,


Terry Phillippe, 
Dan Saylor

ATTEST:


Deborah Stevens, Auditor

Public Hearing held by Area Plan Commission January 10, 2022